In the United States Court of Federal Claims

No. 13-590 C

(Filed August 29, 2013)

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CAMINE J. PUCCIARIELLO,          *
                                 *
                 Plaintiff,      *
                                 *
        v.                       *
                                 *
THE UNITED STATES,               *
                                 *
                 Defendant.      *
* * * * * * * * * * * * * * * * * * * *
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ORDER

On August 27, 2013, the Clerk's Office received from plaintiff's counsel two submissions in this matter: (1) First Amended Complaint; and (2) Summons in a Civil Action. The Clerk's Office stated that both submissions were defective because proof of service was missing, pursuant to Rule 5.3 of the Rules of the United States Court of Federal Claims (RCFC); copies were missing, pursuant to RCFC 5.5(d)(2); the filings were not filed electronically (this case was designated as an Electronic Case File (ECF) on August 19, 2013). Additionally, the Clerk's Office stated that there is no provision in the court's rules to allow for the filing of plaintiff's submission entitled "Summons in a Civil Action." The matter was referred to the undersigned for a ruling.

On August 19, 2013, plaintiff filed his complaint in this matter. In accordance with the court's rules, plaintiff may amend his pleading once as a matter of course within twenty-one days after service of the pleading. *See* RCFC 15(a)(1)(A). The court electronically served plaintiff's complaint on the defendant the same day it was received, August 19, 2013. Therefore, plaintiff has until September 12, 2013 to file his first amended complaint without having to request leave of the court to do so.

Upon review of plaintiff's First Amended Complaint, the undersigned notes another deficiency; plaintiff's counsel has captioned the defendant in this matter as the Department of Transportation and Anthony Fox, Secretary of Transportation. Pursuant to RCFC 10, the United States shall be designated as the defendant in all matters before the court. See RCFC 10 (a).

Accordingly, it is hereby **ORDERED** that the Clerk's Office shall **RETURN** plaintiff's **First Amended Complaint** and plaintiff's **Summons in a Civil Action** to plaintiff's counsel, **UNFILED**, for the above-stated defects. All future filings shall be in compliance with the court's rules.

/s/Lynn J. Bush
Lynn J. Bush
Judge